IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10642 OF 2004

Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr.Vinod N.Tayade for the petitioner.
Mr.D.A.Dube for the Union of India.

CORAM: V.G.PALSHIKAR &
D.B.BHOSALE, JJ.

DATED: 18TH AUGUST, 2005.

P.C.:

. By this petition, the petitioner is challenging concurrent orders passed by the disciplinary authority dismissing the petitioner from service for remaining absent without leave for more than one year.

2. The contention of the petitioner is that he was on leave to attend his ailing father and after death of his father he was mentally disturbed and did not inform the authority concerned for one year. However, this contention is negatived by the appellate authority by pointing out factual inaccuracies in the contention.

3. Before us the petitioner has filed the application Exhibit-C dated 9th August, 2003 at Page 18 which is after death of his father on 26th June,

2003 in which the ground mentioned is that after death of his father he has to look after agricultural land and family and, therefore, he should be discharged from the services. In this application, there is no mention whatsoever of illness which is now sought to be made for condoning absence without leave for more than one year. The service to which the petitioner seeks reinstatement are pertaining to Defence and CRPF. Moreover, the appellate authority after considering all the submisions have observed that inspite of adequate opportunities granted the petitioner did not turn up before the Enquiry Officer nor has he replied the report served on him. It is, therefore, finding of the appellate authority that the petitioner was indiscipline constable and does not deserve any consideration for retention in service. In such circumstances we see no reason to exercise our extra ordinary jurisdiction under Article 226 of the Constitution. The writ petition is dismissed accordingly.

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